



## *Report to the Auburn City Council*

Action Item

Agenda Item No.

11

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Jennifer A. Solomon, Code Enforcement Officer  
**Date:** July 8, 2013  
**Subject:** Non Payment of Administrative Citations and Abatements, Authority to Assess Tax Roll

### *The Issue*

Shall the City of Auburn recover administrative citation fines and abatement costs by placement on the Tax Roll Assessment?

### *Conclusions and Recommendation*

Staff recommends that the City Council, by resolution, approve the Tax Roll Assessment for Administrative Citation's and Abatement Costs report and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect.

### *Background*

The enforcement of the Auburn Municipal Code authorizes staff to issue administrative citations in cases of non-compliance. The cited individual has the right to appeal the citation. In each of the cases attached herein, the responsible parties did not appeal the citations issued by the City. In addition, the cited individuals have not paid the City's citations and said fines are now delinquent. The Auburn Municipal Code (Section 10.96) allows staff to pursue any and all legal, equitable remedies for the collection of delinquent fines (i.e. recorded as a lien; as a special assessment; or other means of collecting (collection agency).

When citations have not been successful in gaining compliance, Auburn Municipal Code Sections 90.08 and 95.35 allow staff to pursue the removal of vehicles and debris. Auburn Municipal Code Sections 90.14 and 95.41 allow for the collection of all the costs associated with the removal (abatement) of the nuisance.

This report summarizes cases involving the non-payment of administrative citations and abatement costs.

### **Citations**

Two (2) cases have enforcement fines which are presently delinquent; the total delinquent fees, including late fees and interest, is \$1,657.80. Attachments 1-2 are the resolutions authorizing the

City of Auburn to assess each property owner by placing the cost of the fines directly onto each property owner's tax roll. Attachment 3 is the resolution required by the Placer County Auditor-Controller's Office as authorization to collect charges. These actions are required by the City Council to proceed forward for collection.

### **Abatement**

Two of the cases required abatement by the City. In each case, the responsible party is delinquent in paying the associated abatement costs. The total abatement cost for the two cases is \$3,319.44, including contractors, administrative costs and staff time. Attachments 4-5 are the proposed resolutions which will authorize the City of Auburn to assess each property owner by placing the abatement costs directly onto the individual property owner(s) tax roll. Attachment 6 is the resolution required by the Placer County Auditor-Controller's Office as authorization to collect charges. These actions are required by the City Council to proceed forward for collection.

### **Case Summaries**

Provided below is a summary of each case (does not include all communication with the owner), timeline and amount due for each property:

1. **490 Aeolia Drive** – On September 10, 2012, staff received a complaint regarding vehicles and debris at 490 Aeolia Drive. On September 17, 2012, a letter was sent to the property owner (Pauline Rowland) and current resident (Craig Rowland), advising of the violations and a timeframe for compliance. Most of the debris had been removed, but an inoperable vehicle remained on the property and a citation was issued for non-compliance. In December 2012, I called the owner of the vehicle. The owner advised me that he had an appointment at DMV to register the vehicle at the end of the month. On December 31, 2012, staff received another complaint about debris on the property. On January 7, 2013, staff confirmed the complaint. On January 18, 2013, staff re inspected the property and issued a second citation for non-compliance. On February 14, 2013, staff posted at the property and mailed out a "Request to Abate" ordering the removal of the debris and issued another citation for non-compliance. On March 11, 2013, another citation was issued for non-compliance. On March 21, 2013, staff obtained an inspection/abatement warrant from the court allowing staff and a contractor to enter the property to remove the debris. A copy of the warrant was posted at the front walkway to the property. On March 26, 2013, staff met with the hired contractor and removed the debris.

*Citations* - The citations in this case were not appealed. With late fees and interest, the total due was \$1,412.40; however, on June 4, 2013, the property owner paid the citations in-full and there is no balance due.

*Abatement* - On May 13, 2013, staff held a duly-noticed hearing on the abatement costs. No representatives appeared for the abatement hearing and the cost report was upheld by the Hearing Authority. The total due for the abatement is \$1,871.95.

2. **152 Kenmass Avenue** – On January 30, 2012, staff received a complaint regarding an inoperable vehicle at 152 Kenmass Avenue. Staff went to the property, took photographs and identified the vehicle. On January 31, 2012, a letter was sent to the registered owner (Galen McCord) and property owner (Annabell McCord), advising of the violation and timeframe for compliance. On February 14, 2012, staff received a phone call from the property owner's son (Radley McCord), requesting an extension. Extensions were granted to the property owner for March, April and May. Citations were issued to the registered owner in April for non-compliance. On January 31, 2013, staff received another complaint regarding the vehicle. On February 19, 2013, staff confirmed the vehicle was still in violation of the Auburn Municipal Code and the property had changed hands, with Galen McCord as the sole responsible party. On February 25, 2013, staff posted at the property and mailed out a "Notice of Intention to Abate and Remove an Abandoned Vehicle" ordering the removal of the vehicle. On March 11, 2013, staff issued a citation for non-compliance and on April 1, 2013, staff issued a second citation for continued non-compliance. On April 12, 2013, staff obtained an inspection/abatement warrant from the court allowing staff and a contractor to enter the property and remove the vehicle. A copy of the warrant was posted at the front porch to the property. On April 15, 2013, staff met with the hired contractor and removed the vehicle.

*Citations* - The citations in this case were neither appealed nor paid. With late fees and interest, the total due for the outstanding citations is \$1,540.10.

*Abatement* - On May 13, 2013, staff held a duly-noticed hearing on the abatement costs. No representatives appeared for the hearing and the cost report was upheld by the Hearing Authority for \$1847.50. The towing company sold the vehicle to a licensed dismantler for \$400.00. A credit for that sale was applied; therefore, the total due for the abatement is \$1,447.50.

3. **305 Live Oak Street** – On July 1, 2012, Auburn Police Department Dispatch received a complaint regarding barking dogs at this address. Officers responded and confirmed two barking dogs. A notice was left for the owner regarding the problem. On September 19, 2012, dispatch was called for the barking dogs. The Sgt. was able to speak with the owner regarding the problem. On September 23, 2012, dispatch was called again. The owner was issued a citation for barking dogs.

*Citation* - The citation in this case was neither appealed nor paid. With late fees and interest, the total due for the outstanding citation is \$117.70.

#### **Alternatives Available to Council; Implications of Alternatives**

1. Adopt the resolutions.
2. Modify the resolutions; directing staff to collect fines in another manner (record a lien or send to Placer Creditors Bureau).
3. Take no action, administrative fines and/or abatements will not be placed on the tax rolls.

**Fiscal Impact**

The fine amount collected from the City Council action will reimburse the general fund for administrative enforcement. Actual reimbursement will not occur until the 2013/2014 Fiscal Year.

**Attachments**

- Attachment 1 – Resolution for Non Payment of Administrative Citations – 152 Kenmass Avenue
- Attachment 2 – Resolution for Non Payment of Administrative Citations – 305 Live Oak Street
- Attachment 3 - Resolution to Placer County for Collection of Charges
- Attachment 4 – Resolution for Abatement – 490 Aeolia Drive
- Attachment 5 – Resolution for Abatement – 152 Kenmass Avenue
- Attachment 6 – Resolution to Placer County for Collection of Charges

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING  
THE ASSESSMENT OF SUCH COSTS – 152 KENMASS AVENUE

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California  
Government Code, (Government Code Section 54988) authorizes the City  
Council to proceed and collect the penalty pursuant to the procedures set forth  
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to  
collect delinquent fines and penalties; and

WHEREAS, the responsible party at 152 Kenmass Avenue (APN 002-091-007-  
000) was cited for a Nuisance violation; and

WHEREAS, the responsible party was duly informed of their right to appeal the  
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the  
delinquent citation, late fee and interest; and

WHEREAS, this action is the result of such non-payment; and

WHEREAS, delinquent fines may be recorded as a special assessment pursuant

1 to Section 10.96 of the Auburn Municipal Code; and

2

3 WHEREAS, the responsible party has been properly notified of the time and  
4 place of the hearing by mail; and

5

6 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and  
7 incorporated herein by reference; and

8

9 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
10 posted on or near the chamber door of the City Council for at least three days  
11 prior to the Hearing; and

12

13 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
14 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
15 and place fixed in such notice, at which the responsible party had an  
16 opportunity to present the City Council with objections to the assessments  
17 described in the Report (the "Hearing"); and

18

19 WHEREAS, all such persons desiring to be heard have been heard by the City  
20 Council and the City Council is fully informed of the premises; now therefore,

21

22 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
23 **FOLLOWS:**

24

25 SECTION 1: The foregoing recitals are each true and correct.

26

27 SECTION 2: The City Council overrules any objections and confirms the  
28 Report as submitted.

1 SECTION 3: The City Council confirms the assessment of \$1,540.10  
2 against the responsible party at 152 Kenmass Avenue (APN 002-091-007-  
3 000), and orders that the assessment be transmitted to the County of Placer  
4 for collection at the same time and in the same manner as ordinary municipal  
5 taxes.

6  
7 SECTION 4: The City Clerk is directed to record in the office of the County  
8 Recorder notice of this order confirming the assessment.

9  
10 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2013.

11  
12 \_\_\_\_\_  
13 Kevin Hanley, Mayor  
14

15 ATTEST:

16  
17 \_\_\_\_\_  
18 Stephanie Snyder, City Clerk  
19

20 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
21 the foregoing resolution was duly passed at the regular meeting of the City  
22 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2013 by the  
23 following vote on roll call:

24  
25 Ayes:

26 Noes:

27 Absent:

28 \_\_\_\_\_  
Stephanie Snyder, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING  
THE ASSESSMENT OF SUCH COSTS – 305 LIVE OAK STREET

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California  
Government Code, (Government Code Section 54988) authorizes the City  
Council to proceed and collect the penalty pursuant to the procedures set forth  
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to  
collect delinquent fines and penalties; and

WHEREAS, the responsible party at 305 Live Oak Street (APN 001-150-063-  
000) was cited for an Animal violation; and

WHEREAS, the responsible party was duly informed of their right to appeal the  
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the  
delinquent citation, late fee and interest; and

WHEREAS, this action is the result of such non-payment; and

WHEREAS, delinquent fines may be recorded as a special assessment pursuant



1 to Section 10.96 of the Auburn Municipal Code; and

2

3 WHEREAS, the responsible party has been properly notified of the time and  
4 place of the hearing by mail; and

5

6 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and  
7 incorporated herein by reference; and

8

9 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
10 posted on or near the chamber door of the City Council for at least three days  
11 prior to the Hearing; and

12

13 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
14 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
15 and place fixed in such notice, at which the responsible party had an  
16 opportunity to present the City Council with objections to the assessments  
17 described in the Report (the "Hearing"); and

18

19 WHEREAS, all such persons desiring to be heard have been heard by the City  
20 Council and the City Council is fully informed of the premises; now therefore,

21

22 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
23 **FOLLOWS:**

24

25 SECTION 1: The foregoing recitals are each true and correct.

26

27 SECTION 2: The City Council overrules any objections and confirms the  
28 Report as submitted.

1 SECTION 3: The City Council confirms the assessment of \$117.70 against  
2 the responsible party at 305 Live Oak Street (APN 001-150-063-000), and  
3 orders that the assessment be transmitted to the County of Placer for  
4 collection at the same time and in the same manner as ordinary municipal  
5 taxes.

6  
7 SECTION 4: The City Clerk is directed to record in the office of the County  
8 Recorder notice of this order confirming the assessment.

9  
10 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2013.

11  
12 \_\_\_\_\_  
13 Kevin Hanley, Mayor  
14

15 ATTEST:

16  
17 \_\_\_\_\_  
18 Stephanie Snyder, City Clerk  
19

20 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
21 the foregoing resolution was duly passed at the regular meeting of the City  
22 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2013 by the  
23 following vote on roll call:

24  
25 Ayes:

26 Noes:

27 Absent:  
28

\_\_\_\_\_  
Stephanie Snyder, City Clerk

RESOLUTION NO. 13-

REQUESTING COLLECTION OF CHARGES ON THE 2013/2014 TAX ROLL  
FOR THE CITY OF AUBURN- NON PAYMENT OF ADMINISTRATIVE  
CITATIONS

TAX CODE NUMBER 60701

DIRECT CHARGE NAME: NON PAYMENT OF ADMINISTRATIVE  
CITATIONS

Whereas, the City of Auburn (hereinafter "District/City") requests the County of Placer collect on the County tax rolls certain charges which have been imposed pursuant to section 53069.4 and 54988 of the Government Code and Auburn Municipal Code Section 10.80 et seq by the District/City, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District/City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board/Council of District/City that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The District/City warrants and represents that the taxes, assessments, fees and/or charges imposed by the District/City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
3. The District/City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of District/City.
4. In consideration for the County's collection of the charge through the County's property tax roll, the District/City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's/City's said taxes, assessments, fees and/or charges requested to be collected by County for District/City, or in any manner arising out of District's/City's establishment and imposition of said taxes,

assessments, fees and/or charges. District/City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's/City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of District/City, including property taxes.

5. The District/City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to District/City by County from any person concerning the District's/City's taxes, assessments, fees and/or charges, and that District/City will not refer such persons to County officers and employees for response.
6. The District/City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District/City this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by the following vote on roll call:

AYES

NOES

ABSENT

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Snyder, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ABATEMENT COSTS AND ORDERING THE  
ASSESSMENT OF SUCH COSTS – 490 AEOLIA DRIVE

WHEREAS, Chapter 10, part 2, Division 3, Title 4 of the California Government  
Code, (Government Code Section 38773.5) authorizes the City Council to  
collect its costs incurred in the abatement of a public nuisance by special  
assessment pursuant to the procedures set forth in its ordinance; and

WHEREAS, Section 95.41 of the Auburn Municipal Code authorizes the City to  
collect abatement costs by special assessment against the real property on  
which the nuisance was abated pursuant to Government Code section 38773.5;  
and

WHEREAS, the responsible person at 490 Aeolia Drive (APN 003-092-004-000)  
was served a Request to Abate Nuisance notice on February 14, 2013; and

WHEREAS, the responsible person was duly informed of their right to appeal  
the nuisance notice; and

WHEREAS, the responsible person did not appeal the nuisance notice; and

WHEREAS, the responsible person was sent a Notice of Hearing on Abatement  
Costs on May 2, 2013; and

WHEREAS, the responsible person did not attend the hearing; and

1 WHEREAS, the responsible person was sent a Notice of Decision, Affirming the  
2 Report; and

3  
4 WHEREAS, the responsible person has not paid the cost of abatement as set  
5 forth in the Report; and

6  
7 WHEREAS, this action is the result of such non-payment of the Abatement  
8 Costs; and

9  
10 WHEREAS, collection of Abatement Costs may be collected as a special  
11 assessment against the real property on which the nuisance was abated  
12 pursuant to Section 95.41 of the Auburn Municipal Code; and

13  
14 WHEREAS, the responsible person has been properly notified of the time and  
15 place of the City Council Hearing on the Assessment ("Hearing") by mail; and

16  
17 WHEREAS, a copy of the Report is on file in the Office of the City Clerk, is  
18 attached hereto and incorporated herein by reference; and

19  
20 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
21 posted on or near the chamber door of the City Council for at least three days  
22 prior to the Hearing; and

23  
24 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
25 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
26 and place fixed in such notice, at which the responsible person had an  
27 opportunity to present the City Council with objections to the assessments  
28 described in the Report; and

1 WHEREAS, all such persons desiring to be heard have been heard by the City  
2 Council and the City Council is fully informed of the premises; now therefore,  
3

4 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
5 **FOLLOWS:**  
6

7 SECTION 1: The foregoing recitals are each true and correct.  
8

9 SECTION 2: The City Council overrules any objections and confirms the  
10 Report as submitted.  
11

12 SECTION 3: The City Council confirms the assessment of \$1,871.94  
13 against the parcel at 490 Aeolia Drive (APN 003-092-004-000), and orders that  
14 the assessment be transmitted to the County of Placer for collection at the  
15 same time and in the same manner as ordinary municipal taxes.  
16

17 SECTION 4: The City Clerk is directed to record in the office of the County  
18 Recorder notice of this order confirming the assessment.  
19

20 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2013.  
21  
22

23 \_\_\_\_\_  
Kevin Hanley, Mayor  
24

25 ATTEST:  
26  
27

28 \_\_\_\_\_  
Stephanie Snyder, City Clerk

1 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
2 the foregoing resolution was duly passed at the regular meeting of the City  
3 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2013 by the  
4 following vote on roll call:

5  
6 Ayes:

7 Noes:

8 Absent:

9 \_\_\_\_\_  
10 Stephanie Snyder, City Clerk  
11  
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ABATEMENT COSTS AND ORDERING THE  
ASSESSMENT OF SUCH COSTS – 152 KENMASS AVENUE

WHEREAS, Chapter 10, part 2, Division 3, Title 4 of the California Government Code, (Government Code Section 38773.5) authorizes the City Council to collect its costs incurred in the abatement of a public nuisance by special assessment pursuant to the procedures set forth in the Auburn Municipal Code; and

WHEREAS, Section 90.14 of the Auburn Municipal Code authorizes the City to collect administrative costs and costs of the removal of inoperable vehicles constituting a public nuisance; and

WHEREAS, the responsible party at 152 Kenmass Avenue (APN 002-091-007-000) was served a Notice of Intention to Abate and Remove on February 25, 2013; and

WHEREAS, the responsible party was duly informed of their right to appeal the declaration of public nuisance and notice of intention to abate; and

WHEREAS, the responsible party did not appeal the declaration of public nuisance and notice of intention to abate; and

WHEREAS, the responsible party was sent a Notice of Hearing on Abatement Costs on May 2, 2013; and

1 WHEREAS, the responsible party did not attend the hearing to determine the  
2 costs of abatement of the nuisance; and

3  
4 WHEREAS, the responsible party was sent a Notice of Decision, Affirming the  
5 report on the cost of abatement; and

6  
7 WHEREAS, the responsible party has not paid the costs of abatement, as  
8 described in the report and Notice of Decision, and this action is the result of  
9 such non-payment on the Abatement Costs; and

10  
11 WHEREAS, the City may impose a special assessment to recover the costs of  
12 abating a nuisance on a parcel pursuant to Section 90.14 of the Auburn  
13 Municipal Code and Government Code section 38773.5; and

14  
15 WHEREAS, the responsible party has been properly notified by mail of the time  
16 and place of the Hearing on the proposed assessment by the City Council; and

17  
18 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and  
19 incorporated herein by reference; and

20  
21 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
22 posted on or near the chamber door of the City Council for at least three days  
23 prior to the Hearing; and

24  
25 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
26 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
27 and place fixed in such notice, at which the responsible party had an  
28 opportunity to present the City Council with objections to the assessments  
described in the Report (the "Hearing"); and

1  
2 WHEREAS, all such persons desiring to be heard have been heard by the City  
3 Council and the City Council is fully informed of the premises; now therefore,  
4

5 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
6 **FOLLOWS:**  
7

8 SECTION 1: The foregoing recitals are each true and correct.  
9

10 SECTION 2: The City Council overrules any objections and confirms the  
11 Report as submitted.  
12

13 SECTION 3: The City Council confirms the assessment of \$1,447.50  
14 against the responsible party at 152 Kenmass Avenue (APN 002-091-007-  
15 000), and orders that the assessment be transmitted to the County of Placer  
16 for collection at the same time and in the same manner as ordinary municipal  
17 taxes.  
18

19 SECTION 4: The City Clerk is directed to record in the office of the County  
20 Recorder notice of this order confirming the assessment.  
21

22 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2013.  
23  
24

25 \_\_\_\_\_  
Kevin Hanley, Mayor  
26  
27  
28

1 ATTEST:

2  
3  
4  
5 \_\_\_\_\_  
6 Stephanie Snyder, City Clerk

7  
8 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
9 the foregoing resolution was duly passed at the regular meeting of the City  
10 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2013 by the  
11 following vote on roll call:

12  
13 Ayes:

14 Noes:

15 Absent:

16 \_\_\_\_\_  
17 Stephanie Snyder, City Clerk  
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RESOLUTION NO. 13-

REQUESTING COLLECTION OF CHARGES ON THE 2013/2014 TAX ROLL  
FOR THE CITY OF AUBURN- DELINQUENT NUISANCE ABATEMENT CHARGE

TAX CODE NUMBER

60702

DIRECT CHARGE NAME:

CITY OF AUBURN DELINQUENT NUISANCE  
ABATEMENT CHARGE

Whereas, the City of Auburn (hereinafter "District/City") requests the County of Placer collect on the County tax rolls certain assessments which have been imposed pursuant to section 38773.5 of the Government Code and Auburn Municipal Code Section 90.11 et seq by the District/City, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District/City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board/Council of District/City that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The District/City warrants and represents that the taxes, assessments, fees and/or charges imposed by the District/City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
3. The District/City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of District/City.
4. In consideration for the County's collection of the charge through the County's property tax roll, the District/City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's/City's said taxes, assessments, fees and/or charges requested to be collected by County for District/City, or in any manner arising out of District's/City's establishment and imposition of said taxes, assessments, fees and/or charges. District/City agrees that, in the event a judgment

is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's/City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of District/City, including property taxes.

5. The District/City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to District/City by County from any person concerning the District's/City's taxes, assessments, fees and/or charges, and that District/City will not refer such persons to County officers and employees for response.
6. The District/City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District/City this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by the following vote on roll call:

AYES

NOES

ABSENT

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Snyder, City Clerk